



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL OP (MD) No.6715 of 2019

ARIVAZHAGAN @ ARIVAZHAGA PANDIAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THIRUKKURUNGUDI POLICE STATION,
TIRUKKURUNGUDI,
TIRUNELVELI DISTRICT
(CR.NO.57/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.PALANI VELAYUTHAM Advocate

For Respondent : M/S.S.BHARATHI, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 of IPC, in Crime No.57 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant approached the petitioner for getting a Government job and paid Rs.2,00,000/- in three instalments. After receiving the said sum, the petitioner did not make any arrangement for securing the job. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, would submit that the petitioner is ready to pay a sum of Rs.40,000/-before the trial Court. Hence, he seeks for grant of anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that since the petitioner himself has come forward to pay Rs.40,000/-



before the trial Court and she has no serious objection for grant of anticipatory bail. She would further submit that the investigation is still pending.

5. Considering the facts and circumstances of the case and considering the fact that there is no specific overtact against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand Only) before the Trial Court within a period of two weeks from the date of receipt of a copy of this order and thereafter sureties shall be accepted;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down

by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/05/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUKKURUNGUDI POLICE STATION,
TIRUKKURUNGUDI, TIRUNELVELI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.8274

ORDER

IN

CRL OP(MD) No.6715 of 2019

Date :08/05/2019

STS/VSG

PK/JC/SAR-2/13.05.2019 : 3P/6C